

PROB 12B  
(Rev. 09/03)

UNITED STATES DISTRICT COURT

for

DISTRICT OF OREGON

PETITION AND ORDER  
FOR MODIFICATION OF  
CONDITIONS OF  
SUPERVISED RELEASE

U.S.A. vs. SCOTT ALAN WILLINGHAM

Docket No. 0979 3:16CR00125-001-BR

Petition on Probation and Supervised Release

COMES NOW KIMBERLY KING, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Scott Alan Willingham, who was convicted of Theft of Government Property and placed on supervision by The Honorable Anna J. Brown, sitting in the court at Portland, Oregon, on the 23rd day of September, 2016. Defendant was sentenced to Time Served, to be followed by a 2-year term\* of supervised release, and the general terms and conditions theretofore adopted by the court were imposed.

\*Term of supervised release commenced on October 4, 2016.

On January 24, 2017, conditions were modified to include Residential Reentry Center (RRC) placement and updated substance abuse assessment due to failure to satisfactorily participate in the RRC.

On July 7, 2017, a Noncompliance Summary was submitted to Court due to the use of THC and failure to report for urinalysis. His treatment and urinalysis were increased and no court action was taken.

On August 8, 2017, conditions were modified to include RRC placement due to continued marijuana use.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation Number

Standard Condition No. 12 - The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician. If, at any time, the probation officer has reasonable cause to believe the defendant is using illegal drugs or is abusing alcohol, the defendant shall submit to urinalysis testing, breathalyzer testing, or reasonable examination of the arms, neck, face and lower legs.

**PRAYING THAT THE COURT WILL ORDER** upon consideration of factors set forth in 18 USC § 3553(a), that defendant's conditions of probation be modified to include the following special condition(s): You must not use or possess alcohol.

Respectfully submitted,

\_\_\_\_\_  
Kimberly King  
U.S. Probation Officer  
Place: Portland, Oregon  
Date: August 29, 2017

Approved,

\_\_\_\_\_  
Denise Jansen  
Supervising U.S. Probation Officer

ORDER OF THE COURT

Considered and ordered this 30<sup>th</sup> day of August, 2017, and ordered filed and made a part of the records in the above case.

  
\_\_\_\_\_  
The Honorable Anna J. Brown  
Senior U.S. District Judge

**WILLINGHAM, SCOTT**  
**Petition to Modify Conditions**

Nature of Noncompliance

On August 16, 2017, I conducted a home visit at Willingham's residence. Immediately upon him opening his front door he smelled like alcohol. He admitted he drank a few beers. He had three empty beer cans in his bedroom and one full can of beer in the refrigerator. I counseled Willingham about drinking alcohol and reminded him he signed a contract with Lifeworks Northwest Treatment that he will not use alcohol while in the program. He agreed it was a good idea to have a no alcohol condition added to his supervision as evidenced by the attached signed waiver of hearing form. He was advised to work through this incident in treatment. Willingham reported to the RRC on August 17, 2017, pursuant to the modification of his conditions on August 8, 2017.

PROB 49 - 03/89

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON—PROBATION OFFICEWAIVER OF HEARING TO MODIFY CONDITIONS  
OF PROBATION/SUPERVISED RELEASE

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release.

You must not use or possess alcohol

Print Name: MICHAEL GARCIA  
Witness

Title: CASE MANAGER

Signature: [Signature]

Date: 8/17/17

Print Name: Scott Willingham  
Supervised Releases

Signature: [Signature]

Date: 8.17.17